

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants	:	Jacobi et al.
Appl. No.	:	09/933,277
Filed	:	August 20, 2001
For	:	SERVICES FOR INCREASING THE UTILITY OF ELECTRONIC WISH LISTS
Examiner	:	Ronald Laneau
Group Art Unit	:	3627

THIRD APPEAL BRIEF

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

This Third Appeal Brief is responsive to the Office Action mailed on July 25, 2006 (the "current Office Action"), which the Examiner issued in response to Appellants' Second Appeal Brief. By filing this Third Appeal Brief and a Third Notice of Appeal, Appellants are reinstating the original appeal.

I. REAL PARTY IN INTEREST

The real party in interest in the present application is Amazon.com, Inc.

II. RELATED APPEALS AND INTERFERENCES

No related appeals, interferences or judicial proceedings are currently pending.

III. STATUS OF CLAIMS

Claims 1-35, which are attached hereto as an appendix, are currently pending in the application and are the subject of this appeal. All of these claims stand rejected. Claims 36-47 have been canceled.

IV. STATUS OF AMENDMENTS

No amendments have been made in response to the current Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present application includes four independent claims. Each independent claim is summarized below, with citations to corresponding portions of the specification and drawings as required by 37 C.F.R. § 41.37(c)(1)(v). These citations are provided to illustrate specific examples and embodiments of the recited claim language, and not to limit the claims.

Claim 1 is directed to an electronic catalog system. The system comprises:

- an electronic catalog of items that are available for purchase, the electronic catalog including pages that include descriptions of the items, and providing functionality for online users to select items to purchase (see, e.g., example catalog page shown in Fig. 1, and corresponding description at page 7, lines 5-21; and page 6, lines 1-8);
- a wish list application (318 in Fig. 3) that provides functionality for users of the electronic catalog to create wish lists with items selected from the electronic catalog, and to purchase items as gifts from the wish lists of other users (see, e.g., page 2, lines 13-15; and page 15, lines 3-8);
- a database (324 in Fig. 3) which stores information about affiliations between the users (see, e.g., page 10, lines 13-18; and page 14, lines 23-27); and
- a notification component (320 in Fig. 3) which is responsive, to an online request from a first user for a catalog page which includes a description of a first item, by at least (a) determining whether the first item is on an electronic wish list of a user who is affiliated with the first user (see, e.g., block 412 of Fig. 4), and (b) when the first item is determined to be on an electronic wish list of a second user who is affiliated with the first

user, supplementing the page with a notification that the first item is on the wish list of the second user (see, e.g., page 2, lines 6-26; Fig. 1, notification message 102; Fig. 4, block 414; and page 16, lines 5-30);

- whereby users are notified, during browsing of the electronic catalog, when accessed items are on the electronic wish lists of other users.

Independent Claim 12 is directed to a method of assisting users in selecting items to purchase from an electronic catalog of items. The method comprises:

- maintaining electronic wish lists for each of a plurality of users (see, e.g., 324 in Fig. 3, page 14, lines 23-27; and page 15, lines 3-8);
- for at least a first user, maintaining data indicating a set of other users that are affiliated with the first user ("affiliated users") (see, e.g., page 2, lines 9-13; page 9, line 22 to page 11, line 28; page 14, lines 23-27; 202 in Fig. 2A; blocks 210 and 212 in Fig. 2B; and 324 in Fig. 3);
- monitoring browsing of the electronic catalog by the first user to determine whether items accessed by the first user are on electronic wish lists of the affiliated users (see, e.g., page 8, line 30 to page 9, line 3; Fig. 4, blocks 408 and 412; and page 16, lines 5-30); and
- notifying the first user during said browsing of the electronic catalog when an accessed item is determined to be on an electronic wish list of an affiliated user (see, e.g., page 2, lines 6-26; notification message 102 in Fig. 1; Fig. 4, blocks 414 and 418; and page 16, lines 27-30).

Independent Claim 24 is directed to a method of assisting users in selecting items to purchase from an electronic catalog of items. The method comprises:

- maintaining an electronic wish list of a first user, the electronic wish list including items selected from the electronic catalog by the first user and being accessible to other users (see, e.g., 324 in Fig. 3, page 14, lines 23-27; and page 15, lines 3-8);
- in response to a second user purchasing an item from the electronic wish list of the first user, updating a data repository (324 in Fig. 3) to indicate that the first user is affiliated

with the second user (see page 2, lines 27-29; Fig. 2B, block 210; and page 11, line 8 to page 12, line 26); and

- subsequently to updating the data repository, monitoring browsing of the electronic catalog by the second user and, during said browsing of the electronic catalog, notifying the second user when an item accessed by the second user is on the electronic wish list of the first user (see, e.g., page 2, lines 16-20; notification 102 in Fig. 1; page 7, lines 5-28; Fig. 4; and page 16, lines 5-30).

Independent Claim 33 is directed to a method of assisting users in selecting items to purchase from an electronic catalog of items. The method comprises:

- maintaining electronic wish lists for each of a plurality of users (see, e.g., 324 in Fig. 3, page 14, lines 23-27; and page 15, lines 3-8);
- for at least a first user, maintaining affiliation data indicating a set of other users that are affiliated with the first user ("affiliated users") (see, e.g., page 2, lines 9-13; page 9, line 22 to page 11, line 28; 202 in Fig. 2A; blocks 210 and 212 in Fig. 2B; and 324 in Fig. 3);
- maintaining similarity data which indicates similarities between items in the catalog (see, e.g., page 3, lines 7-12; page 17, line 15 to page 18, line 12; and "related items table" 340 in Fig. 3); and
- when the first user accesses a first item in the electronic catalog, determining whether, and notifying the first user if, the first item is similar to an item on an electronic wish list of an affiliated user, as reflected by the similarity data (see, e.g., page 3, lines 7-12; and page 18, lines 13-21).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following ground for rejection is to be reviewed on appeal: the rejection of Claims 1-35 under 35 U.S.C. § 103(a) as being unpatentable over Knorr et al. (US 2002/0077929) in view of Lee et al. (US 6,611,814 B1) and further in view of Westrope et al. (US 5,721,832), hereinafter referred to collectively as the "applied references."

VII. ARGUMENT

As a preliminary matter, Appellants note that the Examiner is no longer relying on Covington et al. in the current Office Action. In view of Examiner's retraction of this reference, Appellants assume that the Examiner's mention of "the combined systems of Covington and Wolfe" at page 4, in the first full paragraph, was inadvertent.

Rejection of Claims 1-35 under 35 U.S.C. § 103(a) over combination of Knorr et al., Lee et al. and Westrope

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). The Examiner may satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

As set forth below, the Examiner has failed to satisfy this burden with respect to each of the rejected claims because (1) the cited references do not teach or suggest all of the claim limitations; and (2) the Examiner has not identified a teaching, suggestion or motivation to combine the references. By declining to present arguments with respect to some of the dependent claims, Appellants do not imply that the limitations added by such claims are disclosed or suggested by the references.

Independent Claim 1

The rejection of independent Claim 1 is improper for the following reasons: (1) the cited references do not teach or suggest all of the claim limitations; and (2) the Examiner has not identified a teaching, suggestion or motivation to combine the references in the references themselves, in the prior art as a whole, or in the nature of the problem to be solved. Each of these reasons is discussed below.

As a preliminary matter, Appellants note that the Examiner apparently did not explicitly rely on the disclosure of Westrope in rejecting Claim 1. Accordingly, Appellants' arguments in connection with Claim 1 will focus on the other two references, Lee et al. and Knorr et al.

1. The cited references do not teach or suggest all of the claim limitations.

The obviousness rejection of Claim 1 is improper because the applied references do not collectively teach or suggest all of the claim limitations. For example, the applied references do not teach or suggest the following combination of limitations:

a notification component which is responsive, to an online request from a first user for a catalog page which includes a description of a first item, by at least (a) determining whether the first item is on an electronic wish list of a user who is affiliated with the first user, and (b) when the first item is determined to be on an electronic wish list of a second user who is affiliated with the first user, supplementing the page with a notification that the first item is on the wish list of the second user;

whereby users are notified, during browsing of the electronic catalog, when accessed items are on the electronic wish lists of other users.

In connection with the above-quoted claim language, the Examiner points primarily to Lee et al., citing column 3, line 49 to column 4, line 40; column 8, lines 19-20; column 9, lines 24-40, and Figure 1. Current Office Action at pages 3-4. Lee et al. discloses a system in which a shopper creates a recipient list of one or more people ("recipients") for whom the shopper wishes to purchase products. The shopper submits this recipient list to an online store, which uses the list to make product recommendations to the shopper. These product recommendations are based on the actual wish lists of the recipients (if the recipients have created actual wish lists), and/or on "virtual wish lists" generated from the recorded browsing activities of the recipients. (Note that these "virtual wish lists" are not what would ordinarily be considered "wish lists," but rather are predictions of what the corresponding users would want.) The shopper can also visit a virtual wish list provider website directly to obtain virtual wish lists for particular users. See Lee et al. at, e.g., column 6, line 7 to column 7, line 4; column 7, lines 38-51; column 8, lines 5-20; column 10, lines 63-67; column 11, lines 1-12.

Nothing in Lee et al. suggests supplementing a catalog page requested by the shopper with a notification that an item described thereon is on the wish list of an affiliated user. Thus, in Lee et al.'s system, if a shopper were to access a catalog page which describes an item that happens to be on a wish list of someone affiliated with the shopper, the shopper would not be notified of this fact—via a supplemented catalog page or otherwise. Rather, to obtain this information, the shopper would apparently have to take the affirmative step of retrieving and

viewing the affiliated user's wish list. Thus, Lee et al. does not teach a "notification component" that operates as described in the above-quoted portion of Claim 1.

Knorr et al. does not overcome this deficiency. Knorr et al. discloses an electronic catalog system in which a buyer can schedule the delivery of a gift item to a gift recipient. Although Knorr et al. briefly mentions wish list services (see paragraph 0006), the reference does not disclose any mechanism for notifying users of the wish lists of others, or of the items included on such wish lists. Thus, even if Knorr et al. were combined with Lee et al., the combined system would still be missing a "notification component" that operates as described in Claim 1. The Examiner does not point to anything in the references to suggest otherwise.

Thus, the combined system would not include, and the references do not collectively teach or suggest, the combination of limitations quoted above. The obviousness rejection of Claim 1 is therefore improper.

2. The Examiner has not identified a teaching, suggestion or motivation to combine the applied references.

The rejection of Claim 1 is also improper because the Examiner has not identified a teaching, suggestion or motivation to combine the teachings of Knorr et al. and Lee et al. in the references themselves, in the prior art as a whole, or in the nature of the problem to be solved.

In connection with this issue, the Examiner asserts that it would have been obvious to combine these two references because the combination would provide a system that "allows buyers to easily shop for others by searching for a user's wish list and personal preferences at the system Web and also allow the user to select one or more buyers from an address book and notify the selected buyers of a specific wish list." Current Office Action at page 4, lines 4-8. This assertion, however, is not supported by the references.

Indeed, the Examiner's assertion appears to be nothing more than a statement of what is disclosed in the last two sentences of paragraph 0012 of Covington et al., which was relied on in a previous office action. In fact, the Examiner appears to have merely recycled the prior explanation of why one skilled in the art would have combined *Covington et al.* with Knorr et al.

For the foregoing reasons, the Examiner has not established a prima facie case of obviousness in connection with Claim 1, and the rejection is improper.

Dependent Claim 2

Claim 2 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 2 is improper because the applied references do not teach or suggest the limitations added by Claim 2, namely “a cache memory which stores wish lists of users affiliated with the first user while the first user browses the electronic catalog, wherein the notification component accesses the cache memory to determine whether items viewed by the first user are on the wish lists of users affiliated with the first user.” The current Office Action does not fully address these limitations. Indeed, the applied references do not even disclose a cache memory, let alone a cache memory that functions and is used as described in this claim.

Dependent Claim 3

Claim 3 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 3 is improper because the applied references do not teach or suggest the limitations added by Claim 3, namely “a component that updates the database to indicate an affiliation between two users as a result of one user purchasing a gift for the other user.” The current Office Action does not fully address these limitations.

Dependent Claim 4

Claim 4 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 4 is improper because the applied references do not teach or suggest the limitations added by Claim 4, namely “a component that updates the database to indicate an affiliation between two users as a result of one user sending an electronic card to the other user.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose the generation or use of electronic-card-based affiliations between users.

Dependent Claim 5

Claim 5 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 5 is improper because the applied references do not teach or suggest the limitations added by Claim 5, namely “a form

Appl. No. : 09/933,277
Filed : August 20, 2001

page from which users may explicitly create affiliations with other users.” The current Office Action does not fully address these limitations.

Dependent Claim 6

Claim 6 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 6 is improper because the applied references do not teach or suggest the limitations added by Claim 6, namely “wherein the notification component is further responsive to the online request by notifying the first user if the first item is similar to an item on a wish list of an affiliated user.” The current Office Action does not fully address these limitations.

Dependent Claim 7

Claim 7 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 7 is improper because the applied references do not teach or suggest the limitations added by Claim 7, namely “wherein the notification component provides, within the notification, a selectable link to the wish list of the second user.” The current Office Action does not fully address these limitations.

Dependent Claim 8

Claim 8 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 8 is improper because the applied references do not teach or suggest the limitations added by Claim 8, namely “wherein the notification component indicates, within the notification, at least one of (a) a date the first item was added to the wish list, and (b) a date the wish list was last updated.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose the use of notifications containing either of these two types of information.

Dependent Claim 9

Claim 9 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 9 is improper because the applied references do not teach or suggest the limitations added by Claim 9, namely “wherein the notification component provides, within the notification, information about an upcoming gift-

Appl. No. : 09/933,277
Filed : August 20, 2001

giving event associated with the second user.” The current Office Action does not fully address these limitations.

Dependent Claim 10

Claim 10 depends from Claim 1, and is therefore allowable over the applied references for the reasons set forth above for Claim 1. In addition, the rejection of Claim 10 is improper because the applied references do not teach or suggest the limitations added by Claim 10, namely “wherein the catalog page is a product detail page.” The current Office Action does not fully address these limitations.

Independent Claim 12

The rejection of Claim 12 is also improper because the applied references do not teach or suggest “monitoring browsing of the electronic catalog by the first user to determine whether items accessed by the first user are on electronic wish lists of the affiliated users; and notifying the first user during said browsing of the electronic catalog when an accessed item is determined to be on an electronic wish list of an affiliated user,” in the context of the other claim limitations. Even if Lee et al.’s wish list access methods were used in Knorr et al.’s electronic catalog system, the combined system would not operate in this manner because Lee et al. does not even remotely consider “notifying the first user during said browsing of the electronic catalog when an accessed item is determined to be on an electronic wish list of an affiliated user.”

The rejection of Claim 12 is also improper because, as explained above for Claim 1, the Examiner has not identified a teaching, suggestion or motivation to combine Knorr et al. and Lee et al.

For the foregoing reasons, the Examiner has not established a prima facie case of obviousness for Claim 12, and the rejection is improper.

Dependent Claim 13

Claim 13 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 13 is improper because the applied references do not teach or suggest the limitations added by Claim 13, namely “wherein monitoring browsing of the electronic catalog by the first user comprises maintaining wish lists of at least some of the affiliated users in a cache memory, and using the cache memory to determine whether items accessed by the first user are on electronic wish lists of the affiliated

Appl. No. : 09/933,277
Filed : August 20, 2001

users.” The current Office Action does not fully address these limitations. The applied references do not disclose the use of a cache memory, let alone the particular use described in this claim.

Dependent Claim 14

Claim 14 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 14 is improper because the applied references do not teach or suggest the limitations added by Claim 14, namely “updating the data to add a second user to the set of affiliated users in response to one of the following: (a) the first user purchasing an item from an electronic wish list of the second user; (b) the first user purchasing a gift for the second user; or (c) the first user sending an electronic card to the second user.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose any of these three mechanisms for detecting or creating affiliations between users, particularly in the context of the independent claim.

Dependent Claim 15

Claim 15 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 15 is improper because the applied references do not teach or suggest the limitations added by Claim 15, namely “providing an option for the first user to explicitly designate said affiliated users.” The current Office Action does not fully address these limitations.

Dependent Claim 16

Claim 16 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 16 is improper because the applied references do not teach or suggest the limitations added by Claim 16, namely “wherein notifying the first user comprises displaying a notification message on a catalog page that includes a description of the accessed item.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose the display of notification messages on catalog pages.

Dependent Claim 17

Claim 17 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 17 is improper because the applied references do not teach or suggest the limitations added by Claim 17, namely "wherein the catalog page is a product detail page for the accessed item." The current Office Action does not fully address these limitations.

Dependent Claim 18

Claim 18 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 18 is improper because the applied references do not teach or suggest the limitations added by Claim 18, namely "wherein the catalog page is a search results page generated in response to a query submission by the first user." The current Office Action does not fully address these limitations.

Dependent Claim 19

Claim 19 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 19 is improper because the applied references do not teach or suggest the limitations added by Claim 19, namely "wherein the catalog page is a category page that includes a list of items falling within a particular category of the electronic catalog." The current Office Action does not fully address these limitations.

Dependent Claim 20

Claim 20 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 20 is improper because the applied references do not teach or suggest the limitations added by Claim 20, namely "wherein the notification message includes an explicit or implicit indication of at least one of (a) a date the accessed item was added to the wish list, and (b) a date the wish list was last updated." The current Office Action does not fully address these limitations.

Dependent Claim 21

Claim 21 depends from Claim 16, and is therefore allowable over the applied references for the reasons set forth above for Claim 16. In addition, the rejection of Claim 21 is improper because the applied references do not teach or suggest the limitations added by Claim

Appl. No. : 09/933,277
Filed : August 20, 2001

21, namely “wherein the notification message includes information about an upcoming gift-giving event associated with the second user.” The current Office Action does not fully address these limitations.

Dependent Claim 23

Claim 23 depends from Claim 12, and is therefore allowable over the applied references for the reasons set forth above for Claim 12. In addition, the rejection of Claim 23 is improper because the applied references do not teach or suggest the limitations added by Claim 23, namely “determining whether, and notifying the first user when, an accessed item is similar to an item on a wish list of an affiliated user.” The current Office Action does not fully address these limitations.

Independent Claim 24

The rejection of Claim 24 is improper because the applied references do not collectively teach or suggest the following limitations: “in response to a second user purchasing an item from the electronic wish list of the first user, updating a data repository to indicate that the first user is affiliated with the second user.” The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not teach the creation or use of purchase-based affiliations between users.

The rejection of Claim 24 is also improper because the applied references do not collectively teach or suggest the following limitations: “subsequently to updating the data repository, monitoring browsing of the electronic catalog by the second user and, during said browsing of the electronic catalog, notifying the second user when an item accessed by the second user is on the electronic wish list of the first user.” A system resulting from combining the applied references would not notify the second user in this scenario that the item is on the wish list of the first user. Rather, the second user would have to affirmatively access and review the first user’s wish list to make this determination.

The rejection of Claim 24 is also improper because, as explained above for Claim 1, the Examiner has not identified a teaching, suggestion or motivation to combine Knorr et al. and Lee et al.

Appl. No. : 09/933,277
Filed : August 20, 2001

For the foregoing reasons, the Examiner has not established a prima facie case of obviousness for Claim 24, and the rejection is improper.

Dependent Claim 25

Claim 25 depends from Claim 24, and is therefore allowable over the applied references for the reasons set forth above for Claim 24. In addition, the rejection of Claim 25 is improper because the applied references do not teach or suggest the limitations added by Claim 25, namely "wherein notifying the second user comprises supplementing a page of the catalog with a message indicating that an item displayed therein is on the wish list of the first user, said message provided as a result of said updating of the data repository." The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose supplementing a catalog page with this or a similar type of message.

Dependent Claim 26

Claim 26 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 26 is improper because the applied references do not teach or suggest that the recited page is "a product detail page for the item." The current Office Action does not fully address these limitations.

Dependent Claim 27

Claim 27 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 27 is improper because the applied references do not teach or suggest that the recited page is "a search results page generated in response to a query submitted by the second user." The current Office Action does not fully address these limitations.

Dependent Claim 28

Claim 28 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 28 is improper because the applied references do not teach or suggest that the recited page is "a category page that includes a list of items falling within a particular category of the electronic catalog." The current Office Action does not fully address these limitations.

Dependent Claim 29

Claim 29 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 29 is improper because the applied references do not teach or suggest the limitations added by Claim 29, namely “wherein the message indicates at least one of (a) a date the item was added to the wish list, and (b) a date the wish list was last updated.” The current Office Action does not fully address these limitations.

Dependent Claim 30

Claim 30 depends from Claim 25, and is therefore allowable over the applied references for the reasons set forth above for Claim 25. In addition, the rejection of Claim 30 is improper because the applied references do not teach or suggest the limitations added by Claim 30, namely “wherein the message includes information about an upcoming gift-giving event associated with the first user.” The current Office Action does not fully address these limitations.

Dependent Claim 32

Claim 32 depends from Claim 24, and is therefore allowable over the applied references for the reasons set forth above for Claim 24. In addition, the rejection of Claim 32 is improper because the applied references do not teach or suggest the limitations added by Claim 32, namely “determining whether, and notifying the second user when, an accessed item is similar to an item on a wish list of the first user.” The current Office Action does not fully address these limitations.

Independent Claim 33

The rejection of Claim 33 is improper because the applied references do not collectively teach or suggest the following limitations: “when the first user accesses a first item in the electronic catalog, determining whether, and notifying the first user if, the first item is similar to an item on an electronic wish list of an affiliated user, as reflected by the similarity data,” in the context of the other claim limitations. The current Office Action does not fully address these limitations, and particularly the limitations relating to item similarity. Nothing in the applied references suggests providing any type of wish list related notification to the first user in the scenario described in this claim. In addition, nothing in the applied references suggests

Appl. No. : 09/933,277
Filed : August 20, 2001

determining whether an item accessed by one user is similar to an item on a wish list of another user.

The rejection of Claim 33 is also improper because, as explained above, the Examiner has not identified a teaching, suggestion or motivation to combine Knorr et al. with Lee et al.

For the foregoing reasons, the Examiner has not established a prima facie case of obviousness for Claim 33, and the rejection is improper.

Dependent Claim 34

Claim 34 depends from Claim 33, and is therefore allowable over the applied references for the reasons set forth above for Claim 33. In addition, the rejection of Claim 34 is improper because the applied references do not teach or suggest the limitations added by Claim 34, namely "further comprising generating the similarity data at least by analyzing user browsing histories to identify items that are accessed in combination relatively frequently." The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not teach the analysis of user browse histories to identify items that are accessed in combination relatively frequently.

Dependent Claim 35

Claim 35 depends from Claim 33, and is therefore allowable over the applied references for the reasons set forth above for Claim 33. In addition, the rejection of Claim 35 is improper because the applied references do not teach or suggest the limitations added by Claim 35, namely "further comprising updating the affiliation data, in response to the first user purchasing an item from an electronic wish list of a second user, to add the second user to the set of affiliated users." The current Office Action does not fully address these limitations. These limitations are not taught or suggested by the applied references because, among other reasons, the applied references do not disclose such a method for detecting/recording affiliations between users, particularly in the context of the independent claim.

Appl. No. : 09/933,277
Filed : August 20, 2001

VIII. CONCLUSION

For the reasons set forth above, the rejections of Claims 1-35 are improper and should be reversed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12-11-06

By: 

Ronald J. Schoenbaum, Reg. No. 38,297
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

CLAIMS APPENDIX

1. An electronic catalog system, comprising:
 - an electronic catalog of items that are available for purchase, the electronic catalog including pages that include descriptions of the items, and providing functionality for online users to select items to purchase;
 - a wish list application that provides functionality for users of the electronic catalog to create wish lists with items selected from the electronic catalog, and to purchase items as gifts from the wish lists of other users;
 - a database which stores information about affiliations between the users; and
 - a notification component which is responsive, to an online request from a first user for a catalog page which includes a description of a first item, by at least (a) determining whether the first item is on an electronic wish list of a user who is affiliated with the first user, and (b) when the first item is determined to be on an electronic wish list of a second user who is affiliated with the first user, supplementing the page with a notification that the first item is on the wish list of the second user;whereby users are notified, during browsing of the electronic catalog, when accessed items are on the electronic wish lists of other users.
2. The system of Claim 1, further comprising a cache memory which stores wish lists of users affiliated with the first user while the first user browses the electronic catalog, wherein the notification component accesses the cache memory to determine whether items viewed by the first user are on the wish lists of users affiliated with the first user.
3. The system of Claim 1, further comprising a component that updates the database to indicate an affiliation between two users as a result of one user purchasing a gift for the other user.
4. The system of Claim 1, further comprising a component that updates the database to indicate an affiliation between two users as a result of one user sending an electronic card to the other user.
5. The system of Claim 1, further comprising a form page from which users may explicitly create affiliations with other users.

6. The system of Claim 1, wherein the notification component is further responsive to the online request by notifying the first user if the first item is similar to an item on a wish list of an affiliated user.

7. The system of Claim 1, wherein the notification component provides, within the notification, a selectable link to the wish list of the second user.

8. The system of Claim 1, wherein the notification component indicates, within the notification, at least one of (a) a date the first item was added to the wish list, and (b) a date the wish list was last updated.

9. The system of Claim 1, wherein the notification component provides, within the notification, information about an upcoming gift-giving event associated with the second user.

10. The system of Claim 1, wherein the catalog page is a product detail page.

11. The system of Claim 1, wherein the catalog page includes a list of items.

12. A method of assisting users in selecting items to purchase from an electronic catalog of items, the method comprising:

maintaining electronic wish lists for each of a plurality of users;

for at least a first user, maintaining data indicating a set of other users that are affiliated with the first user ("affiliated users");

monitoring browsing of the electronic catalog by the first user to determine whether items accessed by the first user are on electronic wish lists of the affiliated users; and

notifying the first user during said browsing of the electronic catalog when an accessed item is determined to be on an electronic wish list of an affiliated user.

13. The method of Claim 12, wherein monitoring browsing of the electronic catalog by the first user comprises maintaining wish lists of at least some of the affiliated users in a cache memory, and using the cache memory to determine whether items accessed by the first user are on electronic wish lists of the affiliated users.

14. The method of Claim 12, further comprising updating the data to add a second user to the set of affiliated users in response to one of the following: (a) the first user purchasing an item from an electronic wish list of the second user; (b) the first user purchasing a gift for the second user; or (c) the first user sending an electronic card to the second user.

15. The method of Claim 12, further comprising providing an option for the first user to explicitly designate said affiliated users.

16. The method of Claim 12, wherein notifying the first user comprises displaying a notification message on a catalog page that includes a description of the accessed item.

17. The method of Claim 16, wherein the catalog page is a product detail page for the accessed item.

18. The method of Claim 16, wherein the catalog page is a search results page generated in response to a query submission by the first user.

19. The method of Claim 16, wherein the catalog page is a category page that includes a list of items falling within a particular category of the electronic catalog.

20. The method of Claim 16, wherein the notification message includes an explicit or implicit indication of at least one of (a) a date the accessed item was added to the wish list, and (b) a date the wish list was last updated.

21. The method of Claim 16, wherein the notification message includes information about an upcoming gift-giving event associated with the second user.

22. The method of Claim 12, wherein notifying the first user comprises outputting an audible message.

23. The method of Claim 12, further comprising determining whether, and notifying the first user when, an accessed item is similar to an item on a wish list of an affiliated user.

24. A method of assisting users in selecting items to purchase from an electronic catalog of items, the method comprising:

maintaining an electronic wish list of a first user, the electronic wish list including items selected from the electronic catalog by the first user and being accessible to other users;

in response to a second user purchasing an item from the electronic wish list of the first user, updating a data repository to indicate that the first user is affiliated with the second user; and

subsequently to updating the data repository, monitoring browsing of the electronic catalog by the second user and, during said browsing of the electronic catalog,

notifying the second user when an item accessed by the second user is on the electronic wish list of the first user.

25. The method of Claim 24, wherein notifying the second user comprises supplementing a page of the catalog with a message indicating that an item displayed therein is on the wish list of the first user, said message provided as a result of said updating of the data repository.

26. The method of Claim 25, wherein the page is a product detail page for the item.

27. The method of Claim 25, wherein the page is a search results page generated in response to a query submitted by the second user.

28. The method of Claim 25, wherein the page is a category page that includes a list of items falling within a particular category of the electronic catalog.

29. The method of Claim 25, wherein the message indicates at least one of (a) a date the item was added to the wish list, and (b) a date the wish list was last updated.

30. The method of Claim 25, wherein the message includes information about an upcoming gift-giving event associated with the first user.

31. The method of Claim 24, wherein notifying the second user comprises outputting an audible message.

32. The method of Claim 24, further comprising determining whether, and notifying the second user when, an accessed item is similar to an item on a wish list of the first user.

33. A method of assisting users in selecting items to purchase from an electronic catalog of items, the method comprising:

maintaining electronic wish lists for each of a plurality of users;

for at least a first user, maintaining affiliation data indicating a set of other users that are affiliated with the first user ("affiliated users");

maintaining similarity data which indicates similarities between items in the catalog; and

when the first user accesses a first item in the electronic catalog, determining whether, and notifying the first user if, the first item is similar to an item on an electronic wish list of an affiliated user, as reflected by the similarity data.

Appl. No. : 09/933,277
Filed : August 20, 2001

34. The method of Claim 33, further comprising generating the similarity data at least by analyzing user browsing histories to identify items that are accessed in combination relatively frequently.

35. The method of Claim 33, further comprising updating the affiliation data, in response to the first user purchasing an item from an electronic wish list of a second user, to add the second user to the set of affiliated users.

Appl. No. : 09/933,277
Filed : August 20, 2001

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None

3028370
101706